

**EPA Region 6
Federal Clean Air Act
New Source Review (NSR) Construction Permit
Title V Operating Permit**

for

**El Paso Energy Bridge Project, Gulf of Mexico
El Paso Energy Bridge, LLC
Houston, Harris Co., TX**

Permit No. R6FOPP71-GM2



United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

AIR POLLUTION CONTROL
TITLE I PERMIT TO CONSTRUCT
TITLE V PERMIT TO OPERATE

Permit Number: R6DPA-GM2

Issue Date:

Effective Date:

Pursuant to the Deepwater Port Act of 1974, as amended, and in accordance with the provisions of Title I and Title V of the Federal Clean Air Act, and applicable pertinent rules and regulations approved or promulgated under the Clean Air Act,

El Paso Energy Bridge Gulf of Mexico Project
El Paso Energy Bridge-Gulf of Mexico, L.L.C.

is authorized to construct and operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to construct and operate at the following location: Approximately 116 miles (186.7 kilometers) off the coast of Louisiana in the Gulf of Mexico.

Latitude: 28° 05' 42" N
Longitude: 93° 03' 35" W

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced CAA provisions and EPA and Louisiana regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act. If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit. The permit number cited above should be referenced in future correspondence regarding this facility.

Richard Greene

Regional Administrator (6RA)
United States Environmental Protection Agency, Region 6

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Abbreviations and Acronyms

| | |
|------------------|--|
| AR | Acid Rain |
| ARP | Acid Rain Program |
| CAA | Clean Air Act [42 U.S.C. section 7401 et seq.] |
| CAM | Compliance Assurance Monitoring |
| CEM | Continuous Emission Monitor |
| COM | Continuous Opacity Monitor |
| CFR | Code of Federal Regulations |
| EIP | Economic Incentives Programs |
| EPA | Environmental Protection Agency |
| gal | gallon |
| HAP | Hazardous Air Pollutant |
| hr | hour |
| Id. No. | Identification Number |
| kg | kilogram |
| lb | pound |
| MACT | Maximum Achievable Control Technology |
| MVAC | Motor Vehicle Air Conditioner |
| Mg | megagram |
| mmBtu | million British Thermal Units |
| mo | month |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NO _x | Nitrogen Oxides |
| NSPS | New Source Performance Standard |
| NSR | New Source Review |
| PM | Particulate Matter |
| PM ₁₀ | Particulate matter less than 10 microns in diameter |
| ppm | parts per million |
| PSD | Prevention of Significant Deterioration |
| PTE | Potential to Emit |
| psia | pounds per square inch absolute |
| RMP | Risk Management Plan |
| SNAP | Significant New Alternatives Program |
| SO ₂ | Sulfur Dioxide |
| tpy | Tons per Year |
| US EPA | United States Environmental Protection Agency |
| VOC | Volatile Organic Compounds |

I. Source Identification and Unit-Specific Information

I.A. General Source Information

Parent Company name: El Paso Energy Bridge GOM, LLC

Parent Company Mailing Address: El Paso Energy Bridge GOM, LLC
4 Greenway Plaza
Houston, TX 77046

Plant Name: El Paso Energy Bridge Gulf of Mexico, LLC

Plant Mailing Address: El Paso Energy Bridge GOM, LLC
4 Greenway Plaza
Houston, TX 77046

Plant Location: Latitude: 28° 05' 42" N
Longitude: 93° 03' 35" W
Located approximately 116 miles (186.7 kilometers) from the
Louisiana shoreline in the Gulf of Mexico

Company Contact: Garland Gaspard
Manager - Western Gulf Operations

Responsible Official: Bart Heijermans
Vice-President

SIC Code (4 digit, if available): 4922

Other Clean Air Act Permits: New facility - None issued

Description of Process: The El Paso Energy Bridge Project will be an offshore liquefied natural gas (LNG) delivery system located approximately 116 miles (186.7 kilometers) from the Louisiana shoreline in the Gulf of Mexico.

I.B. Source Emission Points

Table 1. Source Emission Points

The following table identifies and describes each emission unit, including process units.

Table 1

| Emission Unit Id. No. | Description | Control Equipment |
|------------------------------|--|--------------------------|
| U-00001 | Unit 1 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | None |
| U-00002 | Unit 2 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | None |
| U-00003 | Represents a gas-heater used on the platform rated at 22 mmBtu/hr. The unit will only fire natural gas. | None |
| U-00004 | Represents a 4,627 hp diesel generator. | None |
| U-00005 | Represents a 2.777 mmBtu/hr incinerator. This unit is not associated with the operation of the Energy Bridge, and is for shipboard use only. | None |
| U-00006 | Represents two 30 kW emergency diesel generators located on the platform. | None |
| U-00007 | Represents three fuel oil storage tanks with capacities of 1,532,360 gallons, 264,200 gallons and 264,200 gallons. | Unknown |

I.C. Applicable Federal Air Quality Requirements

Table 2. Association of Emissions Units to Applicable Requirements

The following table summarizes of the general types of applicable requirements to which this source is subject and associates these requirements with the specific emissions units. More specific information on the association of requirements to units (applicability) is found in sections II and III of this permit. This table only reflects those emissions units subject to the unit-specific requirements. This table is not designed to define the applicability or non-

applicability of any permit shield.

Table 2

| Applicable Requirement | Emission Unit Identification Numbers | | | | | | |
|--|---|---|---|---|---|---|---|
| | U-00001 | U-00002 | U-00003 | U-00004 | U-00005 | U-00006 | U-00007 |
| NSR/PSD Title I | Title I and Louisiana SIP rules approved under 40 CFR Part 51. | Title I and Louisiana SIP rules approved under 40 CFR Part 51. | Title I and Louisiana SIP rules approved under 40 CFR Part 51. | Title I and Louisiana SIP rules approved under 40 CFR Part 51. | Title I and Louisiana SIP rules approved under 40 CFR Part 51. | Title I and Louisiana SIP rules approved under 40 CFR Part 51. | Title I and Louisiana SIP rules approved under 40 CFR Part 51. |
| NSPS 40 CFR part 60, Subpart Db and Kb | 40 CFR Part 60.42b 40 CFR Part 60.43b 40 CFR Part 60.44b | 40 CFR Part 60.42b 40 CFR Part 60.43b 40 CFR Part 60.44b | N/A | N/A | N/A | N/A | N/A |
| NESHAP Part 61, Subpart | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| NESHAP / MACT Part 63, Subpart | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| CAM, Part 64 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Title V | Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content | Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content | Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content | Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content | Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content | Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content | Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content |

II. Requirements for Specific Units - The following emission rates are based on the permittee's projected operation times and the exclusive firing of natural gas in the boilers.

II.A. Emission Rate Limits

Table 3¹

| Permitted Emissions Listed in Maximum Pounds Per Hour and Annual Tons Per Year | | | | | | | | | | | |
|--|--|--------|-------|--------|--------|--------|--------|--------|--------|--------|-------|
| ID No. | Description | PM10 | | SO2 | | NOx | | CO | | VOC | |
| | | lbs/hr | TPY | lbs/hr | TPY | lbs/hr | TPY | lbs/hr | TPY | lbs/hr | TPY |
| U-00001 | Unit 1 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | 1.68 | 7.34 | 0.13 | 0.58 | 41.88 | 183.44 | 18.52 | 81.1 | 1.21 | 5.31 |
| U-00002 | Unit 2 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | 1.68 | 7.34 | 0.13 | 0.58 | 41.88 | 183.44 | 18.52 | 81.1 | 1.21 | 5.31 |
| U-00003 | Represents a gas-heater used on the platform rated at 22 mmBtu/hr. The unit will only fire natural gas. | 0.16 | 0.72 | 0.01 | 0.06 | 2.16 | 9.45 | 1.81 | 7.94 | 0.12 | 0.52 |
| U-00004 | Represents a 4,627 hp diesel generator. | 3.24 | 14.18 | 74.86 | 327.87 | 111.04 | 486.34 | 25.45 | 111.45 | 3.26 | 14.29 |
| U-00007 | Represents three fuel oil storage tanks with capacities of 1,532,360 gallons, 264,200 gallons and 264,200 gallons. | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.7 | 3.11 |
| Totals | | 6.76 | 29.58 | 75.13 | 329.09 | 196.96 | 862.67 | 64.3 | 281.59 | 6.5 | 28.54 |

¹ Emission rates based on AP-42 emission factors.

The permittee must not fire the incinerator, ID No. U-00005, during the regasification process.

II.B. Work Practice and Operational Requirements

The permittee shall keep records of the maintenance activities performed at the source and make them available for review. Such records should be sufficient to establish the level of maintenance performed and may be maintained at either the field location or at the permittee's nearest regularly manned facility. These records will be maintained for a period of at least five (5) years from the date of the engine replacement.

II.C. General Provisions of NSPS [See 40 CFR part 60]

The permittee could have been subject to the requirements of 40 CFR part 60, Subpart Db Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, as it applies to the source for such conditions as emission units, emission limits, monitoring conditions, recordkeeping and reporting, and facility wide operating conditions. However, for the following reasons, the specific emission limits were not applicable.

- (i) Standard for Sulfur Dioxide [See 40 CFR part 60.42b] - Does not apply since the facility is required to fire natural gas only.
- (ii) Standard for Particulate Matter [See 40 CFR part 60.43b] - Does not apply since the facility is required to fire natural gas only.
- (iii) Standard for Nitrogen Oxides [See 40 CFR part 60.44b(k)] - The permittee is an affected facility that has a heat input capacity of 225 million Btu/hour, which is less than the 250 million Btu/hour threshold of this section. Therefore it is not subject to the NO₂ standard emission limits under this section.

The permittee is not subject to the requirements of 40 CFR part 60 Subpart Kb Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, because by its terms it does not apply to storage vessels on ships (see 40 CFR 100.b(d)(3)).

II.D. General Requirements for Air Conditioning Appliances [See 40 CFR part 82]

The following requirements apply to any air conditioning appliances at the facility ("appliance" as defined in 40 CFR 82.152) that contain Class I or Class II refrigerants:

- a. The permittee must comply with the applicable standards for recycling and emissions reduction pursuant to 40 CFR part 82, subpart F, except as provided for motor vehicle air conditioners (MVACs) in subpart B:
- b. Persons opening appliances for maintenance, service, repair, or disposal must comply with the applicable required practices pursuant to 40 CFR 82.156.
- (c) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the applicable standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (d) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
- (e) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR 82.166(i). ("MVAC-like appliance" as defined at 40 CFR 82.152)
- (f) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR 82.156.
- (g) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- (h) If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, subpart A, Production and Consumption Controls.
- (i) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

- (j) The permittee is allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, subpart G.

II.E. Best Available Control Technology (BACT)

With the application of BACT, as required by Section 165(a)(4) of the Act, operation of the regasification equipment will meet the applicable PSD requirements. The permittee is required to fire natural gas in Emission Units U-00001 and U-00002 for regasification purposes.

III. Facility-Wide Permit Requirements

- (a) Conditions in this section of the permit apply to all emissions units located at the facility, including any units not specifically listed in Table 1 of Section I.B. Compliance must be determined, at a minimum, on a 12-month rolling sum basis. This means that each month the emissions of the current month and those of the 11 previous months are summed. The permittee is required to keep records of the emissions for each month as well as the calculation of the 12-month rolling total of emissions for each month.
- (b) The amount of natural gas burned in emission units U-00001, U-00002, and U-00003 may not exceed the following:
 - U-00001 - 9354 lbs/hr;
 - U-00002 - 9354 lbs/hr;
 - U-00003 - 21570 scf (standard cubic feet)
- (c) The actual heat input for emission units U-00001, U-00002, U-00003 and U-00004, may not exceed the following:
 - U-00001 - 225 MM BTU/hr
 - U-00002 - 225 MM BTU/hr
 - U-00003 - 22 MM BTU/hr
 - U-00004 - 27.6 MM BTU/hr
- (d) The amount of diesel burned in emission units U-00004 shall not exceed the following:
 - U-00004 - 197 gal/hr

III.A. Permit Shield

- (a) Nothing in this permit shall alter or affect the following:
 - (i) The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
 - (ii) The ability of the EPA to obtain information under section 114 of the Clean Air Act; or
 - (iii) The provisions of section 303 of the Clean Air Act (emergency orders), including the authority of the Administrator under that section.
- (b) Compliance with conditions of this permit shall be deemed compliance with any applicable requirements specifically identified in the permit as of the date of permit issuance.

III.B. Monitoring and Testing Requirements

(a)

Table 4

| Monitoring Requirements | | | | | |
|-------------------------|--|----------------------------|----------------------------|----------------------------|-----|
| ID No. | Description | NO _x | PM ₁₀ | SO ₂ | VOC |
| U-00001 | Unit 1 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | 40 CFR Part 60, Subpart Db | 40 CFR Part 60, Subpart Db | 40 CFR Part 60, Subpart Db | N/A |
| U-00002 | Unit 2 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | 40 CFR Part 60, Subpart Db | 40 CFR Part 60, Subpart Db | 40 CFR Part 60, Subpart Db | N/A |
| U-00003 | Represents a gas-heater used on the platform rated at 22 mmBtu/hr. The unit will only fire natural gas. | N/A | N/A | N/A | N/A |
| U-00004 | Represents a 4,627 hp diesel generator. | N/A | N/A | N/A | N/A |
| U-00007 | Represents three fuel oil storage tanks with capacities of 1,532,360 gallons, 264,200 gallons and 264,200 gallons. | N/A | N/A | N/A | N/A |

- (b) Monitoring requirements for the following NAAQS pollutants, PM₁₀, SO₂, NO_x, CO and VOC, shall be as follows. The permittee shall comply with all applicable requirements listed in Tables 2, 3, and 4. Failure to comply with any of the applicable requirements or compliance monitoring devices, activities, or methods listed in Tables 2, 3, and 4 will represent a violation of this permit.
- a. The permittee must ensure compliance with the opacity and particulate emission limits of this permit by visually inspecting Emission Unit U-00004, for opacity on a weekly basis. If visible emissions are detected, then, within three (3) working days, the permittee must conduct a six-minute opacity reading in accordance with EPA Reference Method 9. Records of visible emission checks shall include the emission point ID number, the date the visual check was performed, a record if visible emissions were detected, and a record and results of any Method 9 testing conducted. These records must be kept on site and available for inspection.
 - b. Permittee must demonstrate compliance with the SO₂ and NO_x, of this permit by performing stack tests once per year on Emission Units U-00001, U-00002, and U-00003. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR 60, Appendix A, must be used:
 - (A) NO_x, by methods and procedures specified by 40 CFR 60.46b;
 - (B) SO₂ by methods and procedures specified by 40 CFR 60.45b (Method 19); and
 - (iii) Permittee must demonstrate compliance with the PM, SO₂, NO_x, and opacity limits of this permit by performing stack tests once per year on Emission Unit U-00004. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR 60, Appendix A, must be used:
 - (A) PM and NO_x, by methods and procedures specified by 40 CFR 60.46b;
 - (B) SO₂ by methods and procedures specified by 40 CFR 60.45b (Method 19); and
 - (C) Opacity by Method 9-Visual Determination of Opacity of Emissions from Stationary Sources.

- (iv) The permittee must demonstrate compliance with the CO and VOC emission limits of this permit, as applicable, by performing stack tests once per year on Emission Units U-00001, U-00002, U-00003, and U-00004. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR 60, Appendix A, must be used:
 - (A) Carbon Monoxide by Method 10-Determination of Carbon Monoxide Emissions from Stationary Sources;
 - (B) VOC by Method 25A-Determination of Total Gaseous Organic Concentration using a Flame Ionization Analyzer;

III.C. Performance Testing Requirements [40 CFR 60.8]

The permittee shall comply with the following performance testing requirements:

- (a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, performance tests(s) must be conducted and a written report of the performance testing results furnished to the EPA. In accordance with 40 CFR Subpart 60.45b and 60.45c, the owner or operator must use as reference methods and procedures the test methods in appendix A of Part 60. In addition, performance testing must be conducted at any time following the revision/renewal of this permit.
- (b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in 40 CFR part 60, Subpart Db Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
- (c) Performance tests must be conducted under such conditions to ensure representative performance of the affected facility. The owner or operator must make available to the EPA such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction may not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission unit.
- d. The owner or operator must provide the EPA at least 30 days prior notice of any

performance test, except as specified under other subparts, to afford the EPA the opportunity to have an observer present and/or to attend a pre-test meeting. If there is a delay in the original test date, the facility must provide at least 7 days prior notice of the rescheduled date of the performance test.

- e. The owner or operator shall provide, or cause to be provided, performance testing facilities as follows:
 - a. Sampling ports adequate for test methods applicable to this facility.
 - (ii) Safe sampling platform(s).
 - (iii) Safe access to sampling platform(s).
 - (iv) Utilities for sampling and testing equipment.
 - (v) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For purposes of determining compliance with an applicable standard, the arithmetic mean of the results of the three runs shall apply.

III.D. Recordkeeping Requirements

The permittee must comply with the following generally applicable recordkeeping requirements:

- (a) The permittee must keep records of required monitoring information that include the following:
 - (i) The date, place, and time of sampling or measurements;
 - (ii) The date(s) analyses were performed;
 - (iii) The company or entity that performed the analyses;
 - (iv) The analytical techniques or methods used;
 - (v) The results of such analyses; and

- (vi) The operating conditions as existing at the time of sampling or measurement.
- (b) The permittee must retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.
- (c) The permittee must keep records on all repair and maintenance activities performed on all emission units. These records shall identify the relevant emission unit and describe the work performed.
- (d) The fuel flow/consumption for each emission unit U-00001, U-00002, U-00003 and U-00004, must be recorded on a monthly basis.
- (e) The records of fuel consumption must be maintained for emission units U-00001, U-00002, U-00003, and U-00004.
- (f) The permittee must keep records of the serial numbers for each emission unit and submit that information to EPA as the equipment is purchased. A change in serial numbers should also be reflected in the report submitted to EPA.

III.E. Reporting Requirements

- (a) The permittee must submit to the EPA Regional Office all reports of any required monitoring under this permit every six months following the anniversary of permit issuance. Reports must include 1. Fuel flow/consumption records showing monthly and yearly average of fuel usage; and 2. Repair and maintenance records of the emission units identified in the permit. Reports must also include repair and maintenance records of the emission units identified in the permit. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with **section IV.F.** of this permit. See Reporting Form “SIXMON” found at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>

All instances of deviations from permit requirements must be clearly identified in such reports. “Deviation” means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be

determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping. For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

- (i) A situation where emissions exceed an emission limitation or standard;
- (ii) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
- (iii) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or
- (iv) A situation in which an exceedance or an excursion, as defined in 40 CFR part 64 occurs.
- (v) The permittee must promptly report to the EPA Regional Office deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. “Prompt” is defined as follows:
 - (A) Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or
 - (B) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (1) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence;
 - (2) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours;

- (3) For all other deviations from permit requirements, the report must be submitted with the semi-annual monitoring report required in paragraph (a) of this section.

A written notice, certified consistent with **section IV.F.** of this permit must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph (a) of this section. EPA has developed a form “PDR” for prompt deviation reporting. The form may be found at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>

- b. If for any reason the permittee does not comply with, or will not be able to comply with, the emission limitations specified in this permit, the permittee must provide the US EPA Region 6, Air Enforcement Section, with a written report as specified below.
 - a. A written report must be submitted within 7 days of any emission in excess of permit requirements by an amount greater than the Reportable Quantity established for that pollutant in LAC 33.I.Chapter 39.
 - (ii) A written report must be submitted within 7 days of the initial occurrence of any emission in excess of permit requirements, regardless of the amount, where such emission occurs over a period of seven days or longer.
 - iii. A written report must be submitted quarterly to address all emission limitation exceedances not included in paragraphs 1 or 2 above. The schedule for submittal of quarterly reports shall be no later than the dates specified below for any emission limitation exceedances occurring during the corresponding specified calendar quarter:
 - i. Report by June 30 to cover January through March
 - ii. Report by September 30 to cover April through June
 - iii. Report by December 31 to cover July through September
 - iv. Report by March 31 to cover October through December
 - d. Each report submitted in accordance with this condition must contain the following information:
 - a. Description of noncomplying emission(s);
 - b. Cause of noncompliance;
 - c. Anticipated time the noncompliance is expected to continue, or if

- corrected, the duration of the period of noncompliance;
- d. Steps taken by the permittee to reduce and eliminate the noncomplying emissions; and
- e. Steps taken by the permittee to prevent recurrences of the noncomplying emissions.

III.F. LDEQ Environmental Regulatory Code Title 33, Part III

- (i) Chapter 11, Section 1101.B. - (Control of Air Pollution from Smoke). As determined by approvable methods in 40 CFR Appendix A, the emission of smoke from any combustion unit (other than a flare) or from any type of burning in a combustion unit (other than a flare) must be controlled so that the shade or appearance of the emission is not darker than 20% average opacity, except that smoke emitted during the cleaning of a fire box or building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal or rapping of precipitators, which may have an opacity in excess of 20% or not more than one six-minute period in any 60 consecutive minutes.
- (ii) Chapter 13, Section 1311.C. - (Emission Limits). The emission of particulate matter must be controlled so that the shade or appearance of the emission is not denser than 20% average opacity; except that emissions may have an average opacity in excess of 20% for not more than one six-minute period in any 60 consecutive minutes (Complies by using sweet natural gas as fuel).

III.G. Facility Location Requirements

El Paso Energy Bridge must maintain a 500 meter (radial distance) exclusionary zone around the mooring buoy and must at a minimum take the following reasonable and routine measures to control the boundary of this zone. This includes El Paso Energy Bridge maintaining a patrol program to locate, identify and intercept the general public by radio, physical contact or other reasonable measures to inform the public that they are entering a exclusionary zone where ambient air standards may not be maintained and conditions may be hazardous to non authorized personnel.

IV. Administrative Requirements

IV.A. Annual Fee Payment Section 502 (b)(3)(C) of the CAA]

- (a) The permittee shall pay an annual permit fee in accordance with the procedures outlined

below.

- (b) The permittee shall pay the annual permit fee each year:

The fee shall be received no later than July 20 of each year.

- (c) The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of EPA.

- (d) The permittee shall send fee payment and a completed fee filing form to:

EPA Region 6
P. O. Box 360582M
Pittsburgh, PA 15251

- (e) The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section IV.F. of this permit. [Note that an annual emissions report, required at the same time as the fee calculation worksheet, has been incorporated into the fee calculation worksheet form as a convenience.]

- (f) Basis for calculating annual fee:

Multiply the total tons of “actual emissions” of all “regulated pollutants” emitted from the source by the emissions fee (in dollars/ton) in effect at the time of calculation.

“Actual emissions” shall mean: the actual rate of emissions in tons per year of any regulated pollutant (for fee calculation) emitted from the source over the preceding calendar year. Calculate actual emissions by using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

“Regulated pollutants” shall mean: (I) a volatile organic compound; (II) each pollutant regulated under section 7411 or 7412 of the CAA; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except for carbon monoxide). Do not include any amount of regulated pollutant emitted from the source in excess of 4,000 tons per year of that regulated pollutant.

The fee (in dollars/ton) in effect at the time of this permit's date of issuance is \$37.43.

The fee of \$37.43, above, shall increase each calendar year, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year, and revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

For convenience, the permittee may obtain the revised-for-inflation fee (in dollars/ton) from EPA at the address listed in provision IV.F of this permit.

- (g) The insignificant quantities of actual emissions not required to be listed or calculated in a permit application shall be excluded from the calculation of fees. These include mobile sources, air-conditioning units used for human comfort, ventilating units used for human comfort, heating units used for human comfort, noncommercial food preparation, consumer use of office equipment and products, janitorial services and consumer use of janitorial products and internal combustion engines used for landscaping purposes. In addition, some insignificant activities are exempted because of size or production rate. These emission levels include emission criteria for regulated air pollutants, excluding hazardous air pollutants shall not exceed 2 tons per year. Exemptions for emission criteria for hazardous air pollutants require that any hap from any single emissions unit shall not exceed 1000 lbs per year or the de minimis level established under 112(g) of the Clean Air Act, whichever is less.
- (h) Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official.
- (i) The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept.
- (j) Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with section 502(b)(3)(C)(ii) of the CAA.

- (k) The EPA will not act on applications for permit renewal or modification if the permittee fails to pay all fees, interest, and penalties owed in full.
- (l) When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification.
- (m) If the permittee thinks that the EPA-assessed fee is in error and wishes to challenge the fee, the permittee shall provide a written explanation of the alleged error to EPA along with full payment of the assessed fee.

IV.B. Annual Emissions Inventory

The permittee shall submit an annual emissions report of its actual emissions for both criteria pollutants and regulated HAPS for this facility for the preceding calendar year for fee assessment purposes. The annual emissions report shall be certified by a responsible official and shall be submitted each year to EPA on October 1st.

The annual emissions report shall be submitted to EPA at the address listed in provision **IV.F** of this permit.

IV.C. Compliance Requirements

- (a) The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- (b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (c) For the purpose of submitting compliance certifications in accordance with **Section IV.D.** of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.
- (d) Issuance of this permit does not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the Louisiana SIP and any other requirements

under local, State or Federal law.

IV.D. Compliance Certifications

The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, fuel usage and heat input, annually on the anniversary of the date of issuance of this permit. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official.

- (i) The certification shall include the following:
 - (i) Identification of each permit term or condition that is the basis of the certification.
 - (ii) Identification of the method(s) or other means used for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the owner or operator also shall identify any other material information, e.g., operating hours records, that must be included in the certification, which prohibits knowingly making a false certification or omitting material information.
 - (iii) The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
 - (iv) Any other requirements sufficient to assure or determine compliance.

IV.E. Duty to Provide and Supplement Information

- (a) The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.
- (b) The permittee, upon becoming aware that any relevant facts were omitted or incorrect

information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

IV.F. Submissions

Any document required to be submitted by this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including records, reports, test data, monitoring data, emissions-related data, notifications, and compliance certifications, shall be submitted to:

United States Environmental Protection Agency
Air Enforcement Section, (6EN-A)
1445 Ross Avenue
Dallas, TX 75202-2733

while the fee calculation worksheets,(that include the annual emissions worksheet and report), and applications for renewals and permit modifications shall be submitted to:

United States Environmental Protection Agency
Air Permits Section, (6PD-R)
1445 Ross Avenue
Dallas, TX 75202-2733

EPA has developed a reporting form “CTAC” for certifying truth, accuracy and completeness. The form may be found on EPA website at:
<http://www.epa.gov/air/oaqps/permits/p71forms.html>] and is also attached to the permit document.

IV.G. Severability Clause

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

IV.H. Permit Actions

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

IV.I Administrative Permit Amendments

The permittee may request the use of administrative permit amendment procedures for a permit revision that:

- (a) Corrects typographical errors;
- (b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- (c) Requires more frequent monitoring or reporting by the permittee;
- (d) Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA;
- (e) Incorporates any other type of change which EPA has determined to be similar to those listed above. [Note to permittee: If subparagraphs (a) through (d) above do not apply, please contact EPA for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision].

IV.J. Minor Permit Modifications

- (a) The permittee may request the use of minor permit modification procedures only for those modifications that:
 - (i) Do not violate any applicable requirement;
 - (ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 - (iii) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

- (iv) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (A) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
 - (B) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act;
 - (v) Are not modifications under any provision of title I of the Clean Air Act; and
 - (vi) Are not required to be processed as a significant modification.
- (b) Notwithstanding the list of changes ineligible for minor permit modification procedures in **paragraph (a)** above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.
- (c) An application requesting the use of minor permit modification procedures shall meet the requirements including the following:
- (i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - (ii) The source's suggested draft permit;
 - (iii) Certification by a responsible official, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
 - (iv) Completed forms for the permitting authority to use to notify affected States.
- (d) The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions, the source must comply with both the applicable requirements governing the change and the

proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

- (e) The permit shield may not extend to minor permit modifications.

IV.K. Significant Permit Modifications

- (a) The permittee must request the use of significant permit modification procedures for those modifications that:
 - (i) Do not qualify as minor permit modifications or as administrative amendments;
 - (ii) Are significant changes in existing monitoring permit terms or conditions; or
 - (iii) Are relaxations of reporting or recordkeeping permit terms or conditions.
- (b) Nothing herein shall be construed to preclude the permittee from making changes that would render existing permit compliance terms and conditions irrelevant.
- (c) Permittees must meet all requirements for applications, public participation, and review by affected states and tribes for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required for permit issuance and renewal, but only that information that is related to the proposed change.

IV.L. Reopening for Cause

- (a) The permit may be reopened and revised prior to expiration under any of the following circumstances:
 - (i) Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended;

- (ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the EPA, excess emissions offset plans shall be deemed to be incorporated into the permit;
- (iii) EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
- (iv) EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

IV.M. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

IV.N. Inspection and Entry

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

- (a) Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- (d) As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

IV.O. Emergency Provisions

- (a) In addition to any emergency or upset provision contained in any applicable requirement,

the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - (ii) The permitted facility was at the time being properly operated;
 - (iii) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
 - (iv) The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of **Section III.E.(a)** of this permit, concerning prompt notification of deviations.
- (b) In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof.
- (c) An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

IV.P. Transfer of Ownership or Operation

In the event of any change in ownership of the facility described in this permit, the permittee and the succeeding owner shall notify the EPA at the submission address found in Section IV.F., within ninety (90) days after the event, to amend this permit.

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and

provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

IV.Q. Off Permit Changes

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

- (a) Each change is addressed or not prohibited by this permit;
- (b) Each change shall comply with all applicable requirements and may not violate any existing permit term or condition;
- (c) Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the CAA;
- (d) The permittee shall provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities. The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
- (e) The permit shield does not apply to changes made under this provision;
- (f) The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

IV.R. Permit Expiration and Renewal

- (a) This permit shall expire upon five years from the date of issuance of this permit.
- (b) Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months (180 days), but not more than 18 months, prior to the expiration of this permit.
- (c) If the permittee submits a timely and complete permit application for renewal, but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield

granted may extend beyond the original permit term until renewal. Operation may continue under the conditions of this permit during the period of review of the application for renewal.

- (d) The permittee's failure to have a permit, where timely and complete application for renewal was submitted, is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.
- (e) Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.
- (f) The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

IV.S. Compliance Schedule and Progress Reports

- (a) At the date of issuance of this permit, the buoy fabrication, meter platform design and fabrication, and pipe purchases has not been completed. The permittee has indicated in the permit application that fabrication of the buoy will take approximately 12 months, and the subsequent construction and installation of the remaining components of the El Paso Energy Bridge Gas Delivery System will take approximately 6 months. Within this period, Energy Bridge will conduct tests to ensure the system is in safe operational condition. By November 2004, Energy Bridge expects the system to be operational and ready to receive its first delivery of natural gas.
 - (i) Within 180 days from the issuance date of the permit, the permittee will begin construction activities.
 - (ii) The permittee will notify EPA within 90 days that construction of the facility has begun.
 - (iii) The permittee shall complete construction within a reasonable time frame.
 - (iv) The permittee shall notify the EPA within ten (10) calendar days from the date

that construction is certified as complete and the estimated start-up of operation. Within 180 days after operations commence, the permittee shall notify EPA that it is in compliance with all applicable permit requirements.

- (b) For applicable requirements with which the source will be in compliance upon operation start-up, the source will comply with such requirements. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.
- (c) The permittee shall submit progress reports consistent with this schedule of compliance at least once every 6 months from the date of issue of this permit. Such progress reports shall be certified and contain the following:
 - (i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and
 - (ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

V. Additional Requirements to be Implemented in Future Activities Under the Permit

V.A. Endangered Species Act

The potential impacts of the proposed project on Threatened and Endangered Species are discussed in the Draft Environmental Assessment (ESA) of El Paso Energy Bridge Gulf of Mexico LLC Deepwater Port License Application, dated September 2003, at sections 3.2, 4.2. The U.S. Coast Guard entered into informal Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service and the National Marine Fishery Service (NOAA Fisheries) on June 26, 2003. See Draft EA at 3.2.1. The scope of that consultation is expected to be broad enough to include all effects of the project, including effects attributable to emissions EPA is regulating. Accordingly, by the time EPA issues this permit, its action will be part of the “environmental baseline” for which no independent consultation is required.

V.B. Magnuson-Stevens Fisheries Conservation Act

The Summary of Impacts to Essential Fish Habitat in the Region of Influence and marine mammals of the proposed project are discussed in the Draft Environmental Assessment (ESA) of the El Paso Energy Bridge Gulf of Mexico L.L.C. Deepwater Port License Application, dated September 2003, at section 4.2.

Appendix A.1.

**Federally Listed Threatened and/or Endangered Species
Off the Coast of Louisiana**

| <u>SPECIES</u> | <u>GROUP</u> | <u>STATUS</u> |
|--------------------------|---------------------|----------------------|
| Bald Eagle | Bird | Threatened |
| West Indian Manatee | Mammal | Endangered |
| Piping Plover | Bird | Threatened |
| Brown Pelican | Bird | Endangered |
| Gulf Sturgeon | Fish | Threatened |
| Green Sea Turtle | Reptile | Threatened |
| Hawksbill Sea Turtle | Reptile | Endangered |
| Kemp's Ridley Sea Turtle | Reptile | Endangered |
| Leatherback Sea Turtle | Reptile | Endangered |
| Loggerhead Sea Turtle | Reptile | Threatened |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

Date: November 23, 2003

STATEMENT OF BASIS

Prevention of Significant Deterioration (PSD) / New Source Review (NSR) Construction

Title V Operation

Permit No. R6DPA-GM2

I. NOTICE OF INTENT TO ISSUE A PERMIT.

The Environmental Protection Agency has made a tentative determination to issue a PSD/NSR construction permit/Title V operating permit to El Paso Energy Bridge, Gulf of Mexico, LLC (El Paso). This is a new project and has never received either a Federal construction or operating permit in the past.

II. APPLICANT.

The applicant is: El Paso Energy Bridge Gulf of Mexico, LLC
4 Greenway Plaza
Houston, TX 77046

Contact: Garland Gaspard
Manager - Western Gulf Operations

III. PERMITTING AUTHORITY.

The permitting authority is: U.S. Environmental Protection Agency
Region 6, Air Permitting Section (6PD-R)
1445 Ross Avenue
Dallas, Texas 75202-2733

The EPA does not normally administer the Clean Air Act (CAA) in the Gulf of Mexico west of longitude 80 degrees 30 minutes; the Minerals Management Service is responsible for regulating Outer Continental Shelf (OCS) sources in that area pursuant to CAA Section 328. EPA Region 6 has established that this proposed facility is not an OCS source.

EPA regards the Deepwater Port Act of 1974, as amended (DPA), as the primary source of its authority to apply the CAA to activities associated with deepwater ports. Section 1518(a)(1) of the DPA provides that “the Constitution, laws, and treaties of the United States” apply to deepwater ports and to activities connected, associated, or potentially interfering with the use or operation of any such port, in the same manner as if the port were an area of exclusive Federal jurisdiction located within a State. The Secretary of Transportation interprets the DPA as requiring a unified application for all necessary federal permits and close coordination between responsible federal agencies, but not as requiring issuance of a single permit. “Federal Agencies with permit responsibilities such as the EPA and MMS will retain all distinct permit issuance authority.” USCG Memorandum, “Environmental Planning Aspects of the Deepwater Port Act” (1 April 2003). Sec. 1502 (9) (D) of the DPA states that a deepwater port “shall be considered a ‘new source’ for purposes of the Clean Air Act (42 U.S.C. 7401 et seq.).” Therefore, before a deepwater port may be constructed and operated, the owner or operator must receive a Title I preconstruction permit and a Title V operating permit from the EPA.

Since these two permits are required to be issued by the EPA, we must decide which requirements should be reviewed and evaluated during the permit review process. Pursuant to section 1502(1) of the DPA, the State of Louisiana has been designated as the “adjacent coastal State.” In addition, Section 1518 (b) of the DPA provides that the law of the “nearest adjacent coastal State” is the law of the United States and applies to deepwater ports to the extent applicable and not inconsistent with Federal law. All such applicable laws are to be administered and enforced by the appropriate officers and courts of the United States. Under this subsection, the “nearest adjacent coastal State” is “that State whose seaward boundaries, if extended beyond 3 miles, would encompass the site of the deepwater port.” In this case that state is the State of Louisiana.

Therefore, in accordance with the DPA and consistent with the provisions of Title I and Title V of the CAA, and applicable rules and regulations, the EPA has prepared a combined Title I preconstruction and Title V operating permit. Louisiana’s EPA-approved rules and regulations were followed in determining NSR and Title V applicability and the combined permits’ proposed conditions, except that EPA is performing the public participation requirements, and establishing the Federal permit fee, Federal submittal addresses, and Federal permit appeal procedures.

This facility is new. No other permits have been issued to this facility prior to the development of this draft permit.

IV. EPA PERMIT WRITER.

The permit writer is: Stephanie D. Kordzi
 Air Permitting Section (6PD-R)
 (214) 665-7520

V. FACILITY BACKGROUND AND/OR CONSTRUCTION HISTORY.

El Paso proposes to construct and operate the Energy Bridge Gulf of Mexico Project, an offshore gas delivery system consisting of a mooring buoy system (including a flexible riser), pipeline end manifold, seabed pipeline, and a meter platform in West Cameron Area, South Addition, Block 603 (WC603) in the Central Area of the Gulf of Mexico. The offshore gas delivery system and associated components (collectively, the Gas Delivery System) will enable additional natural gas suppliers to enter key domestic markets in the United States. Natural gas that has been chilled to -163° C and changed to a more stable liquid state referred to as liquefied natural gas (LNG) will be transported on a specially designed vessel from various foreign locations. The vessels are conventional LNG tankers fitted with regasification equipment on board. When the specialized vessel arrives at the Gas Delivery System, it will begin the process of vaporizing the LNG using the on board regasification equipment to deliver natural gas in a vapor state to downstream infrastructure.

At the date of issuance of this permit, the buoy fabrication, meter platform design and fabrication, and pipe purchases have not been completed. The permittee has indicated in the permit application that fabrication of the buoy will take approximately 12 months, and the subsequent construction and installation of the remaining components of the Gas Delivery System will take approximately 6 months. Within this period, El Paso will conduct tests to ensure the system is in safe operational condition. By November 2004, El Paso expects the system to be operational and ready to receive its first delivery of natural gas.

The Potential to Emit (PTE) identified in the permit application assumes the operation will be running 7 days a week, 24 hours per day, for a total of 8760 hours per year. The facility's estimated emissions under this scenario are well over the PSD threshold criteria of 250 tons per year of emissions.

VI. EFFECTIVE DATE AND PERMIT DURATION.

Compliance with the final combined permit's conditions is required on the effective date of the permit. The permit will expire five years from the effective date of the permit.

VII. FACILITY LOCATION.

Located approximately 116 miles (186.7 kilometers) from the Louisiana shoreline in the Gulf of Mexico.

Latitude: 28° 05' 42" N
Longitude: 93° 03' 35" W

VIII. FACILITY INFORMATION.

a. Identification

Category: This facility is an off-shore gas delivery system which will vaporize liquefied natural gas on board vessels using regasification equipment for delivery to a downstream infrastructure. EPA has made a determination this facility is a PSD source category “fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input”. The total heat input of emission units U-00001 and U-00002 is 450 Btu/hour. Since the proposed facility falls under the listed PSD source categories, the applicable PSD threshold is 100 tpy and it is therefore subject to PSD/NSR requirements.

The facility was determined to not be a “fuel conversion plant” found in 40 CFR Subpart 52.21. The determination was made in the memorandum Request for Guidance on the Definition of Fuel Conversion Plants for Purposes of Prevention of Significant Deterioration (PSD), dated July 31, 2003, from Racqueline Shelton to Guy Donaldson. Specifically, this category was intended to only cover processes where chemical changes occur. The vaporization of liquefied natural gas (LNG) to natural gas naturally occurs at ambient temperature without the need for chemical/combustion conversion.

SIC Code: 4922

b. Emission Units

In its application El Paso provided the information contained in Tables 1 and 2. Table 1 lists emission units and emission generating activities, including any air pollution control devices.

El Paso did not identify any emission units as “insignificant.” Louisiana’s EPA-approved Title V operating permit program allows sources to separately list in the permit application units or activities that qualify as “insignificant” based on potential emissions below 2 tons/year for all regulated pollutants that are not listed as hazardous air pollutants (“HAPs”) under section 112(b) and below 1000 lbs/year or the de minimus level established under section 112(g), whichever is lower, for HAPs. However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to calculate the fee. Units that qualify as “insignificant” for the purposes of the Title V application are in no way exempt from applicable requirements or any requirements of the operating permit.

El Paso also did not identify any mobile sources in its permit application.

Table 1 - Emission Units
El Paso Energy Bridge Gulf of Mexico Project

| Emission Unit Id. No. | Description | Control Equipment |
|------------------------------|---|--------------------------|
| U-00001 | Unit 1 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | None |
| U-00002 | Unit 2 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | None |
| U-00003 | Represents a gas-heater used on the platform rated at 22 mmBtu/hr. The unit will only fire natural gas. | None |
| U-00004 | Represents a 4,627 hp diesel generator. | None |
| U-00005 | Represents a 2.777 mmBtu/hr incinerator. Note that this unit is not associated with the operation of the Energy Bridge, and for shipboard use only. | None |
| U-00006 | Represents two 30 kW emergency diesel generators located on the platform. | None |
| U-00007 | Represents three fuel oil storage tanks with capacities of 1,532,360 gallons, 264,200 gallons and 264,200 gallons. | Unknown |

c. Permitted Emissions

Table 2 includes emissions data provided by the El Paso Energy Bridge Project. The Potential to Emit (PTE) means the maximum capacity of the El Paso Energy Bridge Project to emit any air pollutant under its physical and operational design. PTE is meant to be a worst-case emissions calculation. Actual emissions may be much lower.

EPA has determined that fugitives from the process are negligible when LNG is fired in the Dual-fuel fired marine boilers, resulting in low Volatile Organic Compounds. This however, is not be the case when fuel oil is fired in the boilers.

The PTE or air emission calculations were developed using AP-42 emissions factors for all emission units. Three scenarios were presented when tabulating estimated emissions.

1. A fuel oil sulfur content of 3.6% was used for Emission Units U-00001 and U-00002.
2. A fuel oil sulfur content of 0.4% was used for Emission Units U-00001 and U-00002.

3. Natural gas was used for Emission Units U-00001 and U-00002.

The emissions were calculated assuming that one ship is always moored at the buoy during the entire year for two separate boiler operating modes: open loop and closed loop. In both cases, in order to describe the worst-case operating scenario, it was assumed that the boiler(s) would burn fuel oil for the entire year. El Paso anticipates *actual* regasification emissions to occur approximately 50% of the total hours estimated. In addition, based on historical sea water temperature, El Paso anticipates using the open loop system most if not all of the time.

Using the information provided in El Paso's application, EPA has determined that emissions under the first and second scenarios would result in violations of the NAAQS and PSD increments. Accordingly, the following permitted emissions are based on the third scenario.

Table 2 - Permitted Emissions in Tons per Year

| Permitted Emissions Listed in Maximum Pounds Per Hour and Annual Tons Per Year | | | | | | | | | | | |
|--|--|-------------|--------------|--------------|---------------|---------------|---------------|-------------|---------------|------------|--------------|
| ID No. | Description | PM10 | | SO2 | | NOx | | CO | | VOC | |
| | | lbs/hr | TPY | lbs/hr | TPY | lbs/hr | TPY | lbs/hr | TPY | lbs/hr | TPY |
| U-00001 | Unit 1 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | 1.68 | 7.34 | 0.13 | 0.58 | 41.88 | 183.44 | 18.52 | 81.1 | 1.21 | 5.31 |
| U-00002 | Unit 2 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas. | 1.68 | 7.34 | 0.13 | 0.58 | 41.88 | 183.44 | 18.52 | 81.1 | 1.21 | 5.31 |
| U-00003 | Represents a gas-heater used on the platform rated at 22 mmBtu/hr. The unit will only fire natural gas. | 0.16 | 0.72 | 0.01 | 0.06 | 2.16 | 9.45 | 1.81 | 7.94 | 0.12 | 0.52 |
| U-00004 | Represents a 4,627 hp diesel generator. | 3.24 | 14.18 | 74.86 | 327.87 | 111.04 | 486.34 | 25.45 | 111.45 | 3.26 | 14.29 |
| U-00007 | Represents three fuel oil storage tanks with capacities of 1,532,360 gallons, 264,200 gallons and 264,200 gallons. | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.7 | 3.11 |
| Totals | | 6.76 | 29.58 | 75.13 | 329.09 | 196.96 | 862.67 | 64.3 | 281.59 | 6.5 | 28.54 |

¹ Emission rates based on AP-42 emission factors.

The permittee must not fire the incinerator, ID No. U-00005, during the regasification process.

IX. PERMIT MONITORING/TESTING REQUIREMENTS.

El Paso's permit application was reviewed for compliance with Title I and Title V of the Clean Air Act. Based on the information provided by El Paso in its application, it will also be subject to the following permit requirements:

- a. The amount of natural gas burned in emission units U-00001, U-00002, and U-00003 may not exceed the following:

U-00001 - 9354 lbs/hr;
U-00002 - 9354 lbs/hr;
U-00003 - 21570 scf (standard cubic feet)

- b. The actual heat input for emission units U-00001, U-00002, U-00003 and U-00004 may not exceed the following:

U-00001 - 225 MM BTU/hr
U-00002 - 225 MM BTU/hr
U-00003 - 22 MM BTU/hr
U-00004 - 27.6 MM BTU/hr

- c. Performance Testing Requirements

The permittee must comply with the following performance testing requirements. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, performance tests(s) must be conducted and a written report of the performance testing results furnished to the EPA. In accordance with 40 CFR Subpart 60.45b and 60.46b, the owner or operator must use as reference methods and procedures the test methods in appendix A of Part 60. Performance tests must be conducted and data reduced in accordance with the test methods and procedures contained in 40 CFR part 60, Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

- d. Monitoring requirements for the NAAQS pollutants, PM₁₀, SO₂, NO_x, CO and VOC, are as follows:

- (i) The permittee must comply with all applicable requirements listed in the permit's tables. Failure to comply with any of the federal applicable requirements or compliance monitoring devices, activities, or methods listed in Tables 2, 3, and 4 of the permit will represent a violation of this permit.

- (ii) Permittee must ensure compliance with the opacity and particulate emission limits of this permit by visually inspecting Emission Unit U-00004 for opacity on a weekly basis. If visible emissions are detected, then within three (3) working days the permittee must conduct a six-minute opacity reading in accordance with EPA Reference Method 9. Records of visible emission checks must include the emission point ID number, the date the visual check was performed, a record if visible emissions were detected, and a record and results of any Method 9 testing conducted. These records must be kept on site and available for inspection.
 - (iii) Permittee must demonstrate compliance with the SO₂ and NO_x of this permit by performing stack tests once per year on Emission Units U-00001, U-00002, and U-00003. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR 60, Appendix A, must be used:
 - (A) NO_x by methods and procedures specified by 40 CFR 60.46b;
 - (B) SO₂ by methods and procedures specified by 40 CFR 60.45b (Method 19); and
 - (iv) Permittee must demonstrate compliance with the PM, SO₂, NO_x, and opacity limits of this permit by performing stack tests once per year on Emission Unit U-00004. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR 60, Appendix A, must be used:
 - (A) PM and NO_x by methods and procedures specified by 40 CFR 60.46b;
 - (B) SO₂ by methods and procedures specified by 40 CFR 60.45b (Method 19); and
 - (C) Opacity by Method 9-Visual Determination of Opacity of Emissions from Stationary Sources.
 - (v) Failure to comply with any of the following conditions listed in Tables 2, 3, and 4 in the permit and any of the state's applicable requirements will represent a violation of this permit.
- h. The permittee must demonstrate compliance with the CO and VOC emission limits of this permit, as applicable, by performing stack tests once per year on Emission Units U-

00001, U-00002, U-00003, and U-00004. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR 60, Appendix A, must be used:

- (i) Carbon Monoxide by Method 10-Determination of Carbon Monoxide Emissions from Stationary Sources;
- (ii) VOC by Method 25A-Determination of Total Gaseous Organic Concentration using a Flame Ionization Analyzer;

i. Operational Flexibility

The draft permit does not contain provisions that allow for operational flexibility since the facility did not request a need for such a Title V permit provision in its permit application. Operational flexibility means that units are permitted to operate under multiple operating conditions. The applicable requirements for each operating condition are different, and are determined by differing unit attributes.

j. Best Available Control Technology (BACT)

With the application of BACT, as required by Section 165(a)(4) of the Act, operation of the regasification equipment will meet the applicable PSD requirements. For purposes of this permit, BACT requires the permittee to fire natural gas in both of the boilers, emission unit(s) U-00001 and U-00002, for regasification purposes. A discussion follows.

Federal PSD regulations (40 CFR 52.21(j)) and Louisiana regulations (LAC 33:III.509.J) require that BACT be applied to minimize the emission rate of specific pollutants from a new major source or a major modification of an existing major source. BACT applicability is determined for each project affected emission unit. New sources are subject to BACT requirements if they meet criteria specified at 40 CFR 52.21(j)(2) and LAC 33:III.509.J.2. The following pollutants are subject to BACT requirements: NO_x, CO, PM-10, SO₂, and H₂SO₄.

Control of NO_x, CO, PM₁₀, SO₂, and H₂SO₄ emissions was analyzed using a “top down” approach. Under current PSD regulations, an analysis of “top down” BACT is required for the control of each regulated pollutant emitted from a new or modified source in excess of the specified significant emission rates. The top down approach to the BACT process involves determining the most stringent control technique available for a similar or

identical source. A reference source of control technology is the RACT/BACT/LAER Clearinghouse (RBLC). The RBLC is a USEPA- sponsored database that lists previously USEPA-approved BACT determinations. If it can be shown this level of control is infeasible based on technical, environmental, energy, and/or cost considerations, it is rejected and the next most stringent level of control is determined and similarly evaluated. This process continues until a control level is arrived at which cannot be eliminated for any technical, environmental, or economic reason. A technically feasible control strategy is one demonstrating function efficiently on identical or similar processes.

Each emission unit used in the regasification process (which occurs while the vessels are docked) and that generates NO_x, PM₁₀, CO, SO₂ and H₂SO₄, was reviewed for BACT applicability. BACT is applicable to the dual-fuel fired marine boilers because they are the largest source of emissions and are used for gasification. A BACT review is not required for the remaining vessel emission units associated with to and fro propulsion and hoteling. The permittee chose not to estimate the emissions resulting exclusively from the regasification process.

k. Permit Shield

An operating permit applicant has the opportunity to specifically request a permit shield to document that specific applicable requirements do not apply to emission units in the permit. A permit shield is a special condition stating that compliance with the conditions of the permit will be deemed compliance with the specified potentially applicable requirements. The facility did not request a Title V permit shield in its application.

X. REPORTING REQUIREMENTS.

- a. The permittee must submit to the EPA Regional Office all reports of any required monitoring under this permit every six months following the anniversary of permit issuance. Reports must also include repair and maintenance records of the emission units identified in the permit. All required reports must be certified by a responsible official consistent with **section IV.F.(a)** of this permit. See Reporting Form “SIXMON” at <http://www.epa.gov/air/oaqps/permits/p71forms.html>

All instances of deviations from permit requirements must be clearly identified in such reports. “Deviation” means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A

deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping. For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

- (i) A situation where emissions exceed an emission limitation or standard;
 - (ii) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
 - (iii) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or
 - (iv) A situation in which an exceedance or an excursion, as defined in 40 CFR part 64 occurs.
- b. The permittee must promptly report to the EPA Regional Office deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. “Prompt” is defined as follows:
- (i) Any definition of “prompt” or a specific time frame for reporting deviations provided in an underlying applicable requirement as identified in this permit; or
 - (ii) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (A) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence;
 - (B) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours;

- (C) For all other deviations from permit requirements, the report must be submitted with the semi-annual monitoring report required in paragraph (a) of this section.
- c. A written notice certified consistent with **section IV.F.** of this permit must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph (a) of this section. EPA has developed a form “PDR” for prompt deviation reporting. The form may be found at <http://www.epa.gov/air/oaqps/permits/p71forms.html>

XI. RECORD KEEPING REQUIREMENTS.

The permittee must comply with the following generally applicable record keeping requirements at a site accessible to the EPA Inspector or available upon request from the regulatory authority:

- a. The permittee must keep records of required monitoring information that include the following:
 - (i) The date, place, and time of sampling or measurements;
 - (ii) The date(s) analyses were performed;
 - (iii) The company or entity that performed the analyses;
 - (iv) The analytical techniques or methods used;
 - (v) The results of such analyses; and
 - (vi) The operating conditions as existing at the time of sampling or measurement.
- b. The permittee must retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this

permit.

- c. The permittee must keep records on all repair and maintenance activities performed on all emission units. These records must identify the relevant emission unit and describe the work performed.
- d. The fuel flow/consumption for each emission unit (U-00001, U-00002, U-00003 and U-00004) must be recorded on a monthly basis.
- e. The records of fuel consumption must be maintained for emission units U-00001, U-00002, U-00003, and U-00004.
- f. The permittee must keep records of the serial numbers for each emission unit and submit that information to EPA as the equipment is purchased. A change in serial numbers should also be reflected in the report submitted to EPA.

XII. BASIS FOR APPLICABLE REQUIREMENTS.

The permit application was reviewed to determine applicability of the following regulatory requirements which are summarized in Table 3 below. Details of each regulatory program follow Table 5.

Table 3

| Regulatory Program | Definition | Applicability |
|--------------------|--|---------------|
| Title I | NSPS - Standards of Performance for New Stationary Sources 40 CFR part 60, Subpart Db | Yes |
| | NAAQS | Yes |
| | Non-Attainment New Source Review permit | No |
| | EPA-approved Louisiana SIP | Yes |
| | PSD permit | Yes |
| | NESHAP - National Emission Standards for Hazardous Air Pollutants for Source Categories (40 CFR Part 63) | No |

| | | |
|---|--|-----|
| LDEQ Environmental Regulatory Code Title 33, Part III Chapter 11 | Control of Emissions of Smoke | Yes |
| LDEQ Environmental Regulatory Code Title 33, Part III Chapter 13 | Emission Standards for Particulate Matter | Yes |
| Title IV LDEQ Environmental Regulatory Code Title 33, Part III Chapter 5, Section 505 | Acid Rain Program Permitting Requirements | No |
| Title V | EPA-approved Louisiana operating permit program | Yes |
| Title VI | Stratospheric Ozone Protection | Yes |

- a. Based on the information provided by El Paso in its application, the facility is subject to the following applicable requirements for the following reasons:

Federal New Source Performance Standards (NSPS)

40 CFR Part 60, Subpart A: General Provisions. This subpart applies to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication of any standard in part 60. The general provisions under subpart A apply to sources that are subject to the specific subpart of part 60.

The permittee could have been subject to the requirements of 40 CFR part 60, Subpart Db Standards of Performance for Industrial-Commercial-Institutional Steam Generating

Units, as it applies to the source for such conditions as emission units, emission limits, monitoring conditions, recordkeeping and reporting, and facility wide operating conditions. However, for the following reasons, the specific emission limits were not applicable.

- (i) Standard for Sulfur Dioxide [See 40 CFR part 60.42b] - Does not apply since the facility is required to fire natural gas only.
- (ii) Standard for Particulate Matter [See 40 CFR part 60.43b] - Does not apply since the facility is required to fire natural gas only.
- (iii) Standard for Nitrogen Oxides [See 40 CFR part 60.44b(k)] - The permittee is an affected facility that has a heat input capacity of 225 million Btu/hour, which is less than the 250 million Btu/hour threshold of this section. Therefore it is not subject to the NO₂ standard emission limits under this section.

The permittee is not subject to the requirements of 40 CFR part 60 Subpart Kb Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, because by its terms it does not apply to storage vessels on ships (see 40 CFR 100.b(d)(3)).

National Ambient Air Quality Standards (NAAQS)

The proposed project is subject to review for air quality impacts for NO₂, SO₂, and PM₁₀, because potential emissions for the project exceed significance levels. Review of VOC and CO impacts is not required as they are below the significance level. The purpose of the air quality analysis is to assess potential maximum concentrations of the subject pollutants in the ambient air that may result from the proposed project, in combination with other existing sources. The maximum air quality impacts are then compared with applicable PSD increments and NAAQS. The permittee's emissions were evaluated against the NAAQS standards. Modeling analyses of NO_x, PM, SO₂, VOC, and CO were conducted and demonstrate that violations of the applicable NAAQS or PSD increments will not occur so long as the vessel is operated in accordance with the conditions (including BACT requirements) specified in the permit. Otherwise, the facility will be in violation of the NAAQS standards.

New Source Review (NSR) Requirements

A federal review process was established in accordance with Title I of the Clean Air Act. Because the proposed Terminal will not be located within the boundaries of a non-attainment area, the project would not be subject to the Non-Attainment New Source Review Permitting. Instead, the Terminal will be permitted as a New Source Review facility because the criteria pollutants present in the emissions exceed the threshold amount of 250 tons per year. Therefore the facility is classified as a major stationary source for Prevention of Significant Deterioration (PSD). As stated earlier, EPA has made a determination that this facility is not included in the PSD source category “fuel conversion plants” found in LAC Title 33, Part III, Section 509, Table A, approved by EPA as meeting 40 CFR Subpart 52.21(b)(1)(i)(a), which has a major threshold of 100 tons per year. Specifically, this category was intended to only cover processes where chemical changes occur. The vaporization of liquefied natural gas (LNG) to natural gas naturally occurs at ambient temperature without the need for chemical/combustion conversion. The proposed conditions of the PSD permit are derived from the EPA-approved Louisiana State Implementation Plan, as well as the Federal NSPS requirements.

Prevention of Significant Deterioration (PSD) - Major Source:

A review of El Paso’s application indicates the potential to emit (PTE) regulated pollutants in excess of 250 tons per year major source. Therefore, the facility is a major source and PSD requirements are applicable. These requirements include BACT and modeling to demonstrate no impact.

BACT

See Section IX.j. of this Statement of Basis.

Modeling

The permittee stated air quality modeling was performed consistent with the procedures found in the U.S. EPA documents: Guideline on Air Quality Models (Revised) (U.S. EPA, 2003), Screening Procedures for Estimating the Air Quality Impact of Stationary Sources (Revised) (U.S. EPA, 1992), and New Source Review Workshop Manual [Draft] (U.S. EPA, 1990). The EPA Region 6 office also provided additional modeling guidance during telephone discussions with TRC Environmental Corporation representatives.

The modeling demonstration summed the ambient air concentrations resulting from the proposed Energy Bridge Project with conservative background ambient air concentrations. Modeling results indicated that if the boilers are firing 3.6% sulfur fuel oil, the NAAQS

concentrations [SO₂, PM-10, and NO₂] are exceeded for all NAAQS pollutants over all averaging periods. The modeling results also indicated that total ambient pollutant concentrations are less than the NAAQS for each pollutant/averaging period combination when the boilers are firing either 0.4% sulfur fuel oil or natural gas.

Since the proposed Energy Bridge GOM Project is located more than 116 miles from any land-based source, El Paso contacted the MMS to determine sources located in the Gulf of Mexico. Due to time constraints regarding the submittal of the PSD permit application, the off-site inventory from MMS has not been completed to date. However, El Paso believes the use of background ambient air quality concentrations from the urban/suburban area land-based monitors will be conservative to account for any overwater emissions in the vicinity of the proposed Project site. Therefore, El Paso did not include any off-site sources in the NAAQS modeling analyses.

In addition, the Minerals Management Service (MMS) was contacted by the permittee to determine if background ambient air concentrations were being recorded in the Gulf of Mexico, however no data was available. Thus, in lieu of conducting an on-site ambient air quality monitoring program, El Paso Energy Bridge decided to use the background ambient air concentrations recorded along the shorelines of Louisiana and Texas since they are the closest states with ambient air quality monitors to the proposed Project site. Both the Louisiana Department of Environmental Quality (LDEQ) and the Texas Commission on Environmental Quality (TCEQ) operate various air quality monitors for SO₂, NO₂, CO, and PM-10 throughout each of their respective states. These data are from urban and suburban areas, which have many emission sources such as industries, automobiles, etc., unlike the Project site located in the Gulf of Mexico. Therefore, the facility believes the use of these monitors to represent background ambient air quality concentrations in the Gulf of Mexico is a conservative assumption.

Background concentrations for the Texas and Louisiana shorelines from the 3-year record (1998-2000) were reviewed for the criteria pollutants SO₂, PM-10, NO₂, and CO. Based on review of all the available monitoring data, the maximum background concentrations recorded along the Louisiana and Texas shorelines were used as conservative background concentrations for the Energy Bridge GOM Project.

The permittee assumed a 500 meter exclusionary zone in its modeling demonstration. As a result, El Paso Energy Bridge will be required, through a permit condition, to maintain a 500 meter (radial distance) exclusionary zone around the mooring buoy and must at a minimum take the following reasonable and routine measures to control the boundary of this zone. El Paso Energy Bridge must maintain a patrol program to locate, identify and

intercept the general public by radio, physical contact or other reasonable measures to inform the public that they are entering a exclusionary zone where ambient air standards may not be maintained and conditions may be hazardous to non authorized personnel.

Increment Analysis

The PSD increment analysis examines the increase in emissions due to the proposed project along with any emission increases from off-site sources (new installations or modifications to existing sources) since the baseline dates for SO₂, PM-10, and NO_x. In other words, a PSD increment is the maximum allowable increase in concentration that is allowed to occur above a baseline concentration for a pollutant. Significant deterioration is said to occur when the amount of new pollution would exceed the applicable PSD increment. The modeled concentrations due to the project and the off-site sources were compared to the PSD Class II increment levels.

As with the off-site sources for the NAAQS analysis, the MMS was contacted, but the source inventories have not been prepared by the MMS. Thus, no off-site sources were included in the PSD increment analysis included in the permit application.

Because the only sources included in the PSD increment analysis are those proposed in the Energy Bridge GOM Project, the highest second-highest short-term and maximum annual modeled concentrations due to the Energy Bridge GOM Project were used to compare to the PSD Class II increment levels. The results of the PSD increment analyses were evaluated for the three fuel types where the boilers are firing either the 3.6% sulfur fuel oil, the 0.4% sulfur fuel oil or natural gas. Since the facility is located in a Class II area, the PSD increments are exceeded for all NAAQS pollutants, at all averaging times, when the boilers fire 3.6% sulfur fuel oil. The PSD increments for SO₂ 3-hour and 24 hour averaging periods are exceeded when 0.4% sulfur fuel oil is fired. Therefore, the modeling results indicated that total ambient pollutant concentrations are less than the PSD increment exceedences for each pollutant/averaging period combination when the boilers are firing natural gas exclusively.

NAAQS and PSD Increment Analysis Conclusions

In conclusion, the facility will be required to fire natural gas exclusively in order to ensure the that NAAQS and PSD increments are not exceeded.

This permit is issued on the basis of the emissions reported in the application and in no way guarantees the design scheme presented will be capable of controlling the emissions

to the type and quantities stated. Failure to install, properly operate and/or maintain all proposed control measures and/or equipment as specified in the application and supplemental information shall be considered a violation of the permit and LAC 33:III.501. If the emissions are determined to be greater than those allowed by the permit (e.g. during the shakedown period for new or modified equipment) or if proposed control measures and/or equipment are not installed or do not perform according to design efficiency, an application to modify the permit must be submitted. All terms and conditions of this permit shall remain in effect unless and until revised by the permitting authority.

State Implementation Plan - LDEQ Environmental Reg. Code Title 33, Part III

- (i) Chapter 11, Section 1101.B. (Control of Air Pollution from Smoke). As determined by approvable methods in 40 CFR Part 60, Appendix A, the emission of smoke from any combustion unit (other than a flare) or from any type of burning in a combustion unit (other than a flare) must be controlled so that the shade or appearance of the emission is not darker than 20% average opacity, except that smoke emitted during the cleaning of a fire box or building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal and rapping of precipitators may have an opacity in excess of 20% for not more than one six-minute period in any 60 consecutive minutes.
- (ii) Chapter 13, Section 1311.C. (Emission Limits). The emission of particulate matter must be controlled so that the shade or appearance of the emission is not denser than 20% average opacity; except that emissions may have an average opacity in excess of 20% for not more than one six-minute period in any 60 consecutive minutes. (Complies by using sweet natural gas as fuel.)

Title V

A federal review process was established in accordance with Title V of the Clean Air Act. The source's PTE for NO_x and CO is over 100 tpy, making it a major source subject to the requirements of Title V. The proposed conditions of the operating permit are derived from the EPA-approved Louisiana Operating Permit Program. EPA proposes the Federal permit fee, Federal submittal addresses, and Federal operating permit appeal procedures.

Title VI

The following requirements apply to any air conditioning appliances at the facility

(“appliance” as defined in 40 CFR 82.152) that contain Class I or Class II refrigerants:

- (i) The permittee must comply with the applicable standards for recycling and emissions reduction pursuant to 40 CFR part 82, subpart F, except as provided for motor vehicle air conditioners (MVACs) in subpart B:
- (i) Persons opening appliances for maintenance, service, repair, or disposal must comply with the applicable required practices pursuant to 40 CFR 82.156.
- (iii) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the applicable standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (iv) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
- (v) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR 82.166(i). (“MVAC-like appliance” as defined at 40 CFR 82.152)
- (vi) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR 82.156.
- (vii) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- (viii) If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, subpart A, Production and Consumption Controls.
- (ix) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, subpart B, Servicing of Motor Vehicle Air Conditioners.

The term “motor vehicle” as used in subpart B does not include a vehicle in which

final assembly of the vehicle has not been completed. The term “MVAC” as used in subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

- (x) The permittee is allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, subpart G.
- b. The following federally applicable requirements have been considered, but were determined to not be applicable :

Non-Attainment New Source Review

The facility will not be located in a non-attainment area. Therefore, non-attainment requirements are not applicable.

National Emissions Standards for Hazardous Air Pollutants (NESHAP)

40 CFR Part 62: The facility does not have any emissions units subject to a NESHAP.

Maximum Achievable Control Technology

40 CFR Part 63, Subpart A: General Provisions. This subpart contains national emissions standards for hazardous air pollutants (HAP) that regulate specific categories of sources that emit one or more HAP regulated pollutants under the Clean Air Act. The general provisions under Subpart A apply to sources that are subject to the specific subpart of part 63. Stationary gas turbines are listed among the source categories.

The proposed project is not a major source of HAPs. A major source is any contiguous area under common control of the permittee that emits or has the potential to emit considering controls, in the aggregate, at least 10 tons per year of any single HAP or 25 tons per year total HAPs. The application identified several HAPs as being present in the emissions. However, the total HAPs to be emitted from this facility are 2.3 tons per year, well below the thresholds, therefore, 40 CFR Part 63 does not apply.

Compliance Assurance Monitoring (CAM) Rule

In accordance with 40 CFR Subpart 64.2(a), the CAM rule applies to each Pollutant

Specific Emission Unit (PSEU) that meets a three-part test. The PSEU must be 1) subject to an emission limitation or standard, and 2) use add-on control devices to achieve compliance, and 3) have a pre-control emissions that exceed or are equivalent to the Title V (100 tpy) major source threshold. The monitoring requirements outlined in 40 CFR Part 60 (Subpart Db) are not subject to CAM requirements since the PSEUs do not use add-on control devices to achieve compliance.

Acid Rain Program Permitting Requirements

The facility will not be an affected source under LAC 33.III.505, and therefore is not subject to the acid rain permitting program.

c. Conclusion

Based on the information provided in El Paso's application for the Energy Bridge Project, EPA has no evidence that this source is subject to any existing applicable federal CAA programs except those discussed in III.a. above.

XIII. ENDANGERED SPECIES ACT.

The potential impacts of the proposed project on Threatened and Endangered Species are discussed in the Draft Environmental Assessment (EA) of the El Paso Energy Bridge Gulf of Mexico L.L.C. Deepwater Port License Application, dated September 2003, at sections 3.2, 4.2.3. The U.S. Coast Guard entered into informal Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NOAA Fisheries) on June 26, 2003. See Draft EA at 3.2.1. The scope of that consultation is expected to be broad enough to include all effects of the project, including effects attributable to air emissions EPA is regulating. Accordingly, by the time EPA issues this permit, its action will be part of the "environmental baseline" for which no independent consultation is required.

XIV. MAGNUSON-STEVEN'S FISHERIES CONSERVATION ACT

The Summary of Impacts to Essential Fish Habitat in the Region of Influence and marine mammals of the proposed project are discussed in the Draft Environmental Assessment (EA) of the El Paso Energy Bridge Gulf of Mexico L.L.C. Deepwater Port License Application, dated September 2003, at section 4.2.4

XV. USE OF ALL CREDIBLE EVIDENCE.

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the source and EPA in such determinations.

XVI. COMPLIANCE HISTORY

Since this facility has not been constructed, no noncompliance issues exist at this time.

XVII. PUBLIC NOTICE/PUBLIC PARTICIPATION.

a. Public Notice

In accordance with Titles I and V, this combined permit will be publicly noticed in the *Lake Charles American Press* and made available for public comment for 30 days.

There will be a 30 day public comment period for actions pertaining to a draft permit. Public notice has been given for this draft permit by mailing a copy of the notice to the permit applicant, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, Minerals Management Service, and the states of Louisiana and Texas. A copy of the notice has also been provided to all persons who have submitted a written request to be included on the mailing list. If you would like to be added to our mailing list to be informed of future actions on these or other Clean Air Act permits, please send your name and address to the contact listed below:

Stephanie Kordzi, Part 71 Permit Contact
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue (6PD-R)
Dallas, TX 75202-2733

b. Opportunity for Comment

Members of the public may review a copy of the draft permit prepared by EPA, the application, this statement of basis for the draft permit, and all supporting materials for the draft permit. Copies of these documents are available at:

Calcasieu Parish Public Library (Central Location)
301 West Claude Street
Lake Charles, Louisiana 70605

US EPA Region 6
Multi-Media Planning and Permitting Division
1445 Ross Avenue (6PD-R)
Dallas, TX 75202-2733

Copies of the draft permit and this statement of basis are also available electronically at <http://www.epa.gov/earth1r6/6pd/air/pd-r/elpasoenergybridge-gm.pdf>.

All documents will be available for review at the US EPA Region 6 office Monday through Friday from 8:00 a.m. to 5:00 p.m. (excluding federal holidays).

Any interested person may submit written comments on the draft construction and operating permit during the public comment period to the Permit Contact at the address listed in section 6.a above. All comments will be considered and answered by EPA in making the final decision on the permit. EPA will keep a record of the commenters and of the issues raised during the public participation process.

Anyone, including the applicant, who believes any condition of the draft permit is inappropriate must raise all reasonably ascertainable issues and submit all arguments supporting their position by the close of the public comment period. Any supporting materials submitted must be included in full and may not be incorporated by reference, unless the material has been already submitted as part of the administrative record in the same proceeding or consists of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference material.

c. Opportunity to Request a Hearing

A person may submit a written request for a public hearing to the Permit Contact at the address listed in section 6.a above, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, EPA will hold a public hearing whenever it finds there is a significant degree of public interest in a draft permit. EPA will provide public notice of the public hearing. If a public hearing is held, any person may submit oral or written statements and data concerning the draft permit.

d. Appeal of PSD Permit

A petition to the Environmental Appeals Board is a prerequisite to seeking judicial review of the final agency action. For purposes of judicial review, final agency action occurs when a final operating permit is issued or denied and agency review procedures are exhausted.

e. Appeal of Operating Permits

A petition to the Environmental Appeals Board is a prerequisite to seeking judicial review of the final agency action. For purposes of judicial review, final agency action occurs when a final operating permit is issued or denied and agency review procedures are exhausted.

f. Notice to Affected States/Tribes

As required by Titles I and V, public notice will be given by mailing a copy of the notice to the air pollution control agencies of affected states, tribal and local air pollution control agencies which have jurisdiction over the area in which the source is located, the chief executives of the city and county where the source is located, any comprehensive regional land use planning agency and any state or federal land manager whose lands may be affected by emissions from the source (if applicable). There were no Tribes identified that would be affected by this operation. The States of Texas and Louisiana have been notified at the following addresses:

Ms. Linda Korn Levy, Assistant Secretary
Office of Environmental Services
Louisiana Department of Environmental Quality
P. O. Box 4301
Baton Rouge, LA 70821-4301

Mr. Steve Hagle, Special Assistant
Air Permits Division (MC-163)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Notice of Intent to Issue a Clean Air Act
New Source Review Construction Permit
Title V Federal Operating Permit
United States Environmental Protection Agency
Region 6, Multimedia Planning and Permitting Division

Take notice that the United States Environmental Protection Agency (EPA) has received an application for a construction permit and an operating permit that regulate air pollution emissions from the following source:

The El Paso Energy Bridge Gulf of Mexico - Permit No. R6DPA-GM2

The facility will be located approximately 116 nautical miles off the Louisiana coast in the Gulf of Mexico at the following coordinates:

Latitude: 28° 05' 42" N
Longitude: 93° 03' 35" W

The mailing address is:

El Paso Energy Bridge GOM, LLC
4 Greenway Plaza
Houston, TX 77046

The El Paso Energy Bridge facility an offshore gas delivery system consisting of a mooring buoy system (including a flexible riser), pipeline end manifold, seabed pipeline, and a meter platform located offshore of Louisiana in the Gulf of Mexico. The facility is restricted by specific conditions to limit emissions to the following rates: carbon monoxide - 281.6 tons per year, particulate matter with a diameter 10 microns or less - 29.6 tons per year, oxides of nitrogen - 862.7 tons per year, volatile organic compounds - 28.5 tons per year, and sulfur dioxide - 329.1 tons per year.

This source is required to obtain a Clean Air Act Major New Source Review Construction Permit in accordance with Title I of the Clean Air Act and an operating permit in accordance with Title V. The combined permit will contain all the Clean Air Act requirements that apply to the source.

Members of the public may review a copy of the draft permit prepared by EPA, the statement of basis for the draft permit, the application, and all supporting materials submitted by the source at Calcasieu Parish Public Library (Central Location), 301 West Claude Street, Lake

Charles, Louisiana 70605. Copies of these documents can also be obtained at no cost at the US EPA Region 6 Web Site, <http://www.epa.gov/earth1r6/6pd/air/pd-r/elpasoenergybridge-gm.pdf> or by contacting Stephanie Kordzi, Environmental Engineer, 1445 Ross Avenue, Dallas, TX 75202, (214) 665-7520 or kordzi.stephanie@epa.gov. All documents will be available for review at the US EPA Region 6 library, Monday - Friday, from 7:30 a.m - 4:30 p.m, excluding Federal holidays.

If you have comments on the draft permit, you must submit them on or before December 30, 2003. All comments can be submitted in either writing, FAX, or via e-mail. All comments and public hearing requests should be addressed to EPA, Region 6, Attention: Stephanie Kordzi, Multimedia Planning and Permitting Division, 1445 Ross Avenue, Dallas, TX 75202, (214) 665-7520, FAX 214-665-6762, or kordzi.stephanie@epa.gov.

You have the right to request a public hearing on the draft permit. Requests for a public hearing must be made by December 30, 2003, and must contain your reasons for requesting a hearing. If a public hearing is granted, the comment period will be extended through the date of the public hearing. All comments received prior to December 30, 2003, and all comments made during a public hearing will be considered in arriving at a final decision on the permit. The final permit is a public record that can be obtained upon request. A statement of reasons for changes made to the draft permit and responses to comments received will be sent to persons who commented on the draft permit.

Persons wishing to be included on the mailing list for permit actions involving liquefied natural gas facilities in their areas should contact Stephanie Kordzi listed above. Written comments or written request for notification of the final permit decision regarding this permit may also be submitted to Stephanie Kordzi listed above.

If you believe any condition of the draft permit is inappropriate or that our initial decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, you must raise all reasonably ascertainable issues and submit all reasonably ascertainable arguments supporting your position by the end of the comment period. Any supporting materials that you submit must be included in full and may not be incorporated by reference, unless they are already part of the administrative record for this permit proceeding or consist of State, tribal, or Federal statutes and regulations, EPA documents of general availability, or other generally available referenced materials.